



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes CITY COUNCIL SPECIAL MEETING

*R. Steve Tumlin, Mayor*  
*Annette Paige Lewis, Ward 1*  
*Griffin "Grif" L. Chalfant, Jr., Ward 2*  
*Johnny Sinclair, Ward 3*  
*Irvan A. "Van" Pearlberg, Ward 4*  
*Rev. Anthony C. Coleman, Ward 5*  
*James W. King, Ward 6*  
*Philip M. Goldstein, Ward 7*

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Monday, November 14, 2011

4:00 PM

Council Chamber

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**Presiding:** R. Steve Tumlin, Mayor

**Present:** Annette Lewis, Grif Chalfant, Johnny Sinclair, Jim King,  
and Philip M. Goldstein

**Absent:** Van Pearlberg and Rev. Anthony Coleman

***Also Present:***

*William F. Bruton, Jr. City Manager*

*Douglas R. Haynie, City Attorney*

*Stephanie Guy, City Clerk*

### CALL TO ORDER:

*Mayor R. Steve Tumlin called the meeting to order at 4:06 p.m.*

### BUSINESS:

**20110996**

#### **BLW Actions of November 7, 2011**

Review and approval of the November 7, 2011 actions and minutes of the Marietta Board of Lights and Water.

**The motion was made by Council member Chalfant, seconded by Council member King, that this matter be Approved. The motion carried by the following vote:**

**Vote: 3 - 0 - 1                      Approved**

Abstaining: Philip M. Goldstein

Absent for the vote: Annette Lewis

**20111073**

#### **Waleed Lee Jaraysi Matter**

Review and discussion of letter from Waleed Lee Jaraysi dated November 8, 2011. Discussion may also include any matters related to the litigation between Yasmine's Entertainment Hall and/or Mr. Waleed Lee Jaraysi and the City of Marietta and

Marietta and may also include discussion of previous negotiations between the City of Marietta and Yasmine's Entertainment Hall and Mr. Waleed Lee Jaraysi as well as demolition of the building located at 555 Commerce Avenue.

*City Attorney Doug Haynie presented three (3) motions for consideration; motion to reject the letter regarding 555 Commerce Avenue, motion regarding demolition by owner, and motion regarding attorney's fees. In depth discussion was held regarding the motions as presented.*

**Discussed**

**20111074**

**Yasmine's Entertainment Hall and/or Mr. Waleed Lee Jaraysi**

Motion or motions related to any item or matter related to Yasmine's Entertainment Hall and/or Mr. Waleed Lee Jaraysi or any other matter related to the property known as 555 Commerce Avenue and/or the consent order entered into between the City of Marietta and Mr. Jaraysi or his companies or any court orders issued by the Cobb Superior Court related hereto.

*This matter was broken down into three separate motions to incorporate the language presented by the City Attorney. See agenda items 20111075, 20111076 and 20111077.*

**20111075**

**Motion Number 1: Motion to Reject Letter Regarding 555 Commerce Avenue**

Motion to reject the proposal set forth in a letter from Mr. Waleed Lee Jaraysi dated November 8, 2011 entitled "Reconsideration," and to reject the attorney's letter dated November 7, 2011 and all other letters and legal claims or positions from the attorney dated prior to the date of this motion. The City of Marietta hereby reserves all rights granted to it under Georgia law, the consent order, the Georgia Constitution and the City Code of the City of Marietta. Further, the City of Marietta reserves the right to seek recovery of attorneys fees, damages, costs and all other matters allowed and authorized by Georgia law. This motion shall not constitute a waiver or modification of any rights or benefits in favor of the City of Marietta under Georgia law, the consent order, the order of Cobb Superior Court on Defendant's Counterclaim dated June 26, 2010 and the order from Cobb Superior Court denying Plaintiff's Request for Injunction dated July 26, 2010, any pending case involving Yasmine's Entertainment Hall or Mr. Waleed Lee Jaraysi, the Georgia Constitution and the City Code of the City of Marietta.

**The motion was made by Council member King, seconded by Council member Sinclair, that this matter be Approved. The motion carried by the following vote:**

**Vote: 3 - 0 - 1**

**Approved**

Voting Against: Philip M. Goldstein

Absent for the vote: Annette Lewis

*In depth discussion was held regarding the demolition of the structure on the subject property. There was general agreement to add language to the motion regarding the removal of the slab, removal of all demolition waste, debris and construction material,*

*the requirement of signatures by both the contractor and the property owner to obtain the demolition permit, and final inspection by city staff to ensure property is in full compliance of this action.*

*A substitute motion was made by Council member Chalfant, seconded by Council member Sinclair, to authorize city staff to carry out the terms of the prior court orders and demolish the structure as soon as possible.*

*Subsequent to further discussion, Council member Chalfant withdrew his motion. The following motion was made incorporating the agreed upon stipulations:*

**20111076****Motion Number 2: Demolition By Owner - 555 Commerce Avenue**

Without waiving any provisions of the consent order or any other Orders issued by any court in any case regarding Yasmine's Entertainment Hall or Mr. Waleed Lee Jaraysi or any other laws or processes, motion to allow the owner of 555 Commerce Avenue to have 100 days from the date of this motion to demolish the structure located on the property. Said demolition to be based upon a special demolition permit from the City of Marietta and the completed demolition site to be in compliance with all City of Marietta Codes. The City of Marietta hereby reserves all rights granted to it under Georgia law, the consent order, the order of Cobb Superior Court on Defendant's Counterclaim dated June 26, 2010 and the order from Cobb Superior Court denying Plaintiff's Request for Injunction dated July 26, 2010, any pending case involving Yasmine's Entertainment Hall or Mr. Waleed Lee Jaraysi, the Georgia Constitution and the City Code of the City of Marietta. Further, the City of Marietta reserves the right to seek recovery of attorneys fees, damages, costs and all other matters allowed and authorized by Georgia law. This motion shall not constitute a waiver or modification of any rights or benefits in favor of the City of Marietta under Georgia law, the consent order, the order of Cobb Superior Court on Defendant's Counterclaim dated June 26, 2010 and the order from Cobb Superior Court denying Plaintiff's Request for Injunction dated July 26, 2010, any pending case involving Yasmine's Entertainment Hall or Mr. Waleed Lee Jaraysi, the Georgia Constitution and the City Code of the City of Marietta. Under this motion, and subject to the conditions, if demolition fails to start, stops or is interrupted or incomplete, the City of Marietta may resume demolition immediately in accordance with the consent order and other orders of the Superior Court of Cobb County. The sole purpose of this motion is a good faith effort to allow the owner of 555 Commerce Avenue to demolish the building without further delay. The following additional stipulations are hereby placed in this motion:

1. The foundation, slab and footing associated with the previous restaurant shall be allowed to remain, along with the paved parking.
2. As part of the demolition process, and prior to the final approval, if any, by the city, the owner shall remove all demolition waste, debris and construction materials from the site and the site shall be in a "swept clean condition."
3. Any demolition permit issued by the city shall be signed through acknowledgment of these conditions by the owner prior to the issuance of any demolition permit.
4. At the earlier of the passing of 100 days or the request for a final inspection by the owner, city staff shall inspect the premises to determine whether or not the property is in full compliance with this motion. In the event the owner has not fully complied with this motion, the city shall proceed as set forth herein.

In the event the owner and/or contractor does not timely, fully and completely comply with this motion, the City of Marietta shall immediately carry out the full terms of this motion and prior court orders and consent orders without further approval required by the City Council.

**The motion was made by Council member King, seconded by Council member Sinclair, that this matter be Approved. The motion carried by the following vote:**

**Vote: 4 - 1 - 0** **Approved**

Voting Against: Annette Lewis

**20111077**

**Motion Number 3: Attorneys Fees - 555 Commerce Avenue**

Motion to authorize and direct the City Attorney to seek and pursue the collection of attorneys fees, damages, costs, expenses of litigation and any other fees or damages authorized or allowed by Georgia law related to any litigation involving Yasmine's Entertainment Hall and Mr. Waleed Lee Jaraysi or the building and property known as 555 Commerce Avenue.

**The motion was made by Council member King, seconded by Council member Lewis, that this matter be Approved. The motion carried by the following vote:**

**Vote: 4 - 1 - 0** **Approved**

Voting Against: Philip M. Goldstein

**ADJOURNMENT:**

*The meeting was adjourned at 5:05 p.m.*

**Date Approved:** 12/14/2011

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**R. Steve Tumlin, Mayor**

**Attest:** \_\_\_\_\_  
**Stephanie Guy, City Clerk**